

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION

CIVIL ACTION NO. 13-96-DLB-HBG

**KENNETH KELLEY, as the son,
next of kin and heir at law of
JIMMY L. KELLEY, deceased**

PLAINTIFF

vs.

ORDER

HOWARD BERGER COMPANY, et al.

DEFENDANTS

This matter is before the Court on Defendant Airsep Corporation's Motion for Summary Judgment. (Doc. # 61). Defendant argues it is entitled to summary judgment because there is no evidence to suggest that Plaintiff's decedent used Defendant's product at such a time and in such a manner that would support a claim for liability. In Response, Plaintiff indicates that he has considered the relevant discovery and has no opposition to Defendant's Motion. (Doc. # 86). Having reviewed the parties' filings, and the Court being otherwise sufficiently advised,

IT IS ORDERED that, for the reasons set forth in Defendant Airsep Corporation's Memorandum in Support of its Motion for Summary Judgment (Doc. # 62), Defendant Airsep Corporation's Motion for Summary Judgment (Doc. # 61) be, and is hereby, **granted**.

IT IS FURTHER ORDERED that Plaintiff's claims against Defendant Airsep Corporation be, and are hereby, **dismissed with prejudice**.

This 6th day of March, 2014.



Signed By:

David L. Bunning *DB*

United States District Judge

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